

## Michael Feeney

Call: 2021 [Public Access](#)

### Practice areas:

**Planning, Environment, Licensing, Public Law, Highways, Commons and Open Spaces, Local Government**



## Practice Profile

Michael is building a strong practice across all of Chambers' practice areas and acts for a wide range of clients, including central and local government, developers and landowners, and local residents. Michael regularly appears in court, inquiries and hearings in his own right and as junior counsel. Michael is developing a particularly strong High Court practice, having acted successfully for both claimants and defendants in multiple judicial review claims.

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## Planning

Michael recent experience appearing at planning appeals includes:

- Sole counsel on behalf of the successful local planning authority at a planning appeal raising issues concerning the existing lawful use of a 9-storey building and marketing requirements for the loss of office floor space (APP/3347264).
- Sole counsel on behalf of a local planning authority at a two-day combined planning and enforcement inquiry raising issues relating to the implementation of planning permissions and fallback positions (APP/3326185).
- Junior counsel to Morag Ellis K.C. for the Applicant at the Cardiff Parkway Railway Station call-in inquiry (CAS-02298-X2Q2Q2).
- Sole counsel on behalf of a local planning authority in Northern Ireland at a two-day combined planning and enforcement hearing concerning retrospective EIA development at a quarry site (J/2007/0416/F and J/2014/0027/CA).
- Junior counsel to Morag Ellis K.C. for a local planning authority at a call-in inquiry concerning tall buildings and heritage assets (APP/3307073).
- Assisting Craig Howell Williams K.C. as junior counsel for a local planning authority at a two-week inquiry concerning an outline application for up to 2,800 residential units in tall buildings (APP/3285386).

- Sole counsel on behalf of the successful local planning authority at an enforcement appeal that raised complex issues relating to the Habitats Directive and the Environmental Impact Assessment Directive.
- Sole counsel in two planning inquiries concerning Certificates of Lawful Existing Use or Development.
- Assisting Jenny Wigley K.C. and Nick Grant as junior counsel in preparation for an enforcement inquiry related to the Home Office's use of RAF Scampton for asylum accommodation.
- Sole counsel on behalf of an applicant in a four-day non-statutory Town and Village Green inquiry. The inquiry raised issues concerning locality, highways and open spaces.

Michael's recent experience in judicial reviews and the High Court includes:

- Junior counsel to Craig Howell Williams K.C. in *Tesco Stores Ltd v Reigate & Banstead BC* [2024] EWHC 2327 (Admin), a case concerning the approach to heritage harm to a listed building, the appropriate standard of reasons when a committee departs from an officer's recommendation and the use of committee transcripts in judicial review challenges.
- Sole counsel on behalf of a claimant securing a quashing order by consent at the pre-action stage for failure to comply with the Environmental Impact Assessment Directive.
- Sole counsel on behalf of a claimant securing a quashing order by consent at the pre-action stage for failure to comply with heritage statutory duties.
- Sole counsel on behalf of the successful defendant in a claim concerning heritage statutory duties, with permission being refused on the papers and at the subsequent renewal hearing.
- Sole counsel on behalf of the successful defendant in a claim concerning CIL, with permission being refused on the papers.
- Junior counsel to Saira Kabir Sheikh K.C. in *Bramley Solar Farm Residents Group v SSLUHC* [2023] EWHC 2842 (Admin), a case raising seven grounds of challenge concerning issues such as amendments on appeal, the consideration of alternatives and the interpretation of the NPPF.
- Sole counsel on behalf of a local planning authority defending a claim categorised as a Significant Planning Claim.
- Junior counsel to Jenny Wigley K.C. and Nick Grant in judicial review challenges to planning enforcement action taken by West Lindsey District Council against the use of RAF Scampton by the Home Office.
- Sole counsel on behalf of a claimant in a judicial review challenge raising issues relating to the EIA Directive and the interpretation of the NPPF.
- Junior counsel to Michael Fry on behalf of National Highways in injunction and committal proceedings (*NHL v Kirin* [2023] EWHC 3000 (KB)), including experience of cross-examination in the High Court.

Michael has also been instructed as counsel and assisted with multiple judicial review, s.288 and s.289 challenges concerning policy interpretation, heritage statutory duties, the Wheatcroft principle, the Whitley principle, the Environmental Impact Assessment Directive, Green Belt, CIL Regulations, the duty to give reasons and procedural fairness.

Michael recently completed a part-time secondment at Westminster City Council and the Royal Borough of Kensington and Chelsea, where he gained a wide range of experience in advising on a broad range of planning issues. Michael is currently instructed by Westminster City Council (as junior counsel to Matt Hutchings KC) in ongoing proceedings in the High Court to enforce a s106 agreement.

Michael also has a busy advisory practice and has provided advice to a wide range of clients on many matters, including:

- The interpretation and application of the Use Classes Order
- The implications of the Supreme Court's judgment in *Hillside* for both developers and local authorities
- Prospects of success for potential challenges to appeal decisions
- Prospects of success for appealing against Enforcement Notices
- The implications of the Supreme Court's judgment in *Finch*
- The interpretation of the Community Infrastructure Levy Regulations 2010
- Enforcing section 106 agreements
- The adoption and content of Supplementary Planning Documents
- Part 8 claim procedure
- Costs awards in the context of a planning appeal
- The content and service of Enforcement Notices
- The legality and enforceability of planning conditions
- The interpretation of the NPPF in relation to plan-making
- The interpretation of the Town and Country Planning (Control of Advertisement) (England) Regulations 2007

Michael is also experienced in planning enforcement and has acted for both local authorities and defendants in criminal enforcement proceedings.

Michael has attended multiple local plan examination hearings and has assisted a Parish Council with their objections to an emerging local plan.

During pupillage Michael also assisted at a planning inquiry concerned with the correct interpretation and application of the flooding sequential test and a planning inquiry addressing issues of landscape and 5YHLS in the context of an emerging local plan.

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## Environment

Much of Michael's planning work raises environmental issues, particularly in relation to the Environmental Impact Assessment Directive.

Michael is currently instructed in a significant prosecution being brought by the Environment Agency against six defendants under sections 33 and 34 of the Environmental Protection Act 1990. Michael has also been instructed as sole counsel in s82 Environmental Protection Act 1990 proceedings.

Michael assisted in drafting an Order 53 Statement for a Northern Ireland judicial review claim in respect of consents to allow for the creation of underground gas caverns. The claim raises issues concerning the Habitats Regulations, the correct approach to assessing the environmental effects of decommissioning and cross-cutting.

Michael is a regular contributor to the FTB Environmental Law Blog and has also lectured on the MSC in Construction Law and Dispute Resolution at King's College London on 'Environmental Law in Construction'.

During pupillage Michael also drafted research notes on statutory nuisance and the correct approach to 'Best Practicable Means'. Michael also wrote draft Advices on the precautionary principle, the application of the Habitats Regulations for permitted development, the approach taken towards decommissioning in DCOs and the prospects of success for a potential claim against the Environment Agency

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## Licensing

Michael has extensive experience in licensing matters. Michael has been instructed for multiple review and summary review hearings of premises licences, including high-profile reviews receiving local media coverage following allegations of stabbings and sexual assault.

Michael has also been instructed in licensing appeals for both appellants and licensing authorities. Michael has also appeared as sole counsel in the High Court in relation to an appeal by way of case stated and was instructed as junior counsel to Gerald Gouriet KC in the Court of Appeal in *Uber Britannia Limited v Sefton Borough Council [2024] EWCA Civ 802*. Michael is also instructed as junior counsel for the Supreme Court hearing.

Michael has also appeared on behalf of individual objectors at licensing hearings and has successfully appeared on behalf of applicants for new premises licences, including an application for a new premises licence in a Cumulative Impact Zone.

Michael was recently seconded part-time to Westminster City Council as a legal advisor to the Licensing Sub-Committee, where he gained experience on a wide range of licensing issues.

Michael also has experience representing both appellants and licensing authorities in taxi licensing appeals.

Michael is on the editorial board of the Journal of Licensing and has written three articles which have been published in the Journal of Licensing on the principle of regularity, Sexual Entertainment Venues and the Public Sector Equality Duty.

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## Public Law

Michael has a growing public law practice, and much of his planning, environmental and licensing work is closely related to public law matters such as:

- Procedural fairness
- The duty of candour
- The adequacy of reasons
- Whether a claim has become academic
- Prematurity
- The Public Sector Equality Duty
- The court's discretion to quash
- Protective costs orders
- The possibility of securing injunctive relief

Please see the planning section for more information on Michael's public law practice in the High Court.

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## Highways, Commons and Open Spaces

Michael acted as junior counsel for National Highways Ltd in successful injunction proceedings relating to the Just Stop Oil protests on the M25. Michael was instructed in the subsequent committal proceedings and has gained experience of conducting cross-examination in the High Court.

Michael was also instructed as sole counsel in a four-day Town & Village Green non-statutory public inquiry which raised issues concerning highways and open spaces.

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## Local Government

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### Rating, Council Tax and CIL

Michael has advised on how to set aside liability orders and has appeared in the Magistrates' Courts in rating cases. Michael has also appeared on behalf of a successful appellant in the Valuation Tribunal on a Council Tax liability appeal.

Michael has advised on a wide range of CIL matters, including securing liability orders, the availability of reliefs and exemptions, the calculation of CIL liability in relation to s73 permissions, the indexation of CIL and the interaction between CIL and permitted development rights. Michael has successfully defended a judicial review claim relating to CIL.

During pupillage Michael assisted on a wide range of rating and CIL matters, including written Advices on the scope of proposal principle and CIL education contributions.

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## Publications and Memberships

- 'Curing a breach of the public sector equality duty in the licensing context', Journal of Licensing (November 2023)
  - , Journal of Licensing (November 2022)
  - (with Jeremy Phillips KC), Journal of Licensing (July 2022)
  - Drought Permits and Drought Orders, FTB Environmental Law Blog
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  - FTB Environmental Law Blog
  - : A Return to Normalcy, FTB Environmental Law Blog
  - Michael Beloff Essay:, Gray's Inn Student Law Journal.
  - Planning and Environment Bar Association
  - Constitutional and Administrative Law Bar Association
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## Qualifications

- Bar Professional Training Course, Distinction
  - Graduate Diploma in Law, Distinction
  - MA History, The University of Chicago, 4.0 GPA
  - MSt History, New College, University of Oxford, Distinction
  - BA History, New College, University of Oxford, First
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## Academic Awards, Scholarships and Prizes

- Residential Scholarship, Gray's Inn
  - Prince of Wales Scholarship, Gray's Inn
  - Michael Beloff Essay Prize
  - City Law School Scholarship for Academic Excellence
  - Tatjana Finkelstein GDL Scholarship, Gray's Inn
  - Neubauer Family Distinguished Doctoral Fellowship, University of Chicago
  - Social Sciences Fellowship, University of Chicago
  - New College Scholarship for performance in First Year Examinations
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## Mooting, Debating and other Advocacy Experience

- Semi-finalist in the Gray's Inn Moot Competition
  - Winner Oxford Brookes University internal mooted competition judged by Richard Benson KC.
  - Represented Oxford Brookes University university in the ESU-ECC National Mooting Competition.
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## Other Work Experience

- Non-fiction Reader at The Chicago Review, September 2018–June 2019
  - English Teacher, Benedict School, Carpi, Italy, September 2017–July 2018
  - HR Assistant, Institute for Advanced Study, Princeton, NJ, USA, July–August 2015
  - Research Assistant, Institute for Advanced Study, Princeton, NJ, USA, July–August 2014
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